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Judges in the Court"; "Essential Conditions of Judicial Independence"; "Existing Defects in Organization of the Court, and Amendment Suggested to the Constitution."

It is on page 78, or possibly on page 64, that the real topic of the volume seems to be begun; but the discussion is throughout so perplexingly arranged as to prevent the book from becoming whole, and, indeed, there seems to be no pretense that the book leads to a conclusion. Thus its value must consist in the discussion of separate points. There are about twenty cases which, in accordance with the announcement in the preface, are criticized by the author (p. 269); and, though the discussion appears everywhere to lack clearness, it is not at all impossible that a person interested in some of these cases may find suggestions of value.

It only remains to say that the author's attitude seems to be that of a conservative, but that his views of judicial history sometimes do not accord with the common understanding of facts and that they are never enforced by references to new sources of information.

A TREATISE ON THE MODERN LAW OF EVIDENCE. By Charles Frederick Chamberlayne. Volumes 3 and 4. Albany: Matthew Bender & Company; London: Sweet & Maxwell. 1912, 1913. pp. xxxiii, xxxv, 4596.

These two large volumes, the second published nearly six months after the author's much-regretted death, continue a work of which the earlier installments have already been noticed in this REVIEW. Mr. Chamberlayne cannot be blamed for the publishers' statement that the four volumes cover "every phase of the subject"; but it is a surprising assertion to make of a treatise in which one looks in vain for such topics as "Witnesses," "Documentary Evidence," and "Evidence by Perception," all of which the author's footnotes in earlier volumes show he had in mind for later treatment.

Volume 3, entitled "Reasoning by Witnesses," deals with opinion evidence and related subjects, including value, handwriting and expert testimony. Volume 4, entitled "Relevancy," treats of hearsay, character and the relevancy of transactions not in issue — these last in chapters entitled "Relevancy of Regularity," "Uniformity of Nature," and "Moral Uniformity." Both volumes have the qualities already observed in their predecessors. (See review of the earlier volumes, 25 HARV. L. REV. 483.) There is much enlightened comment, showing an acute mind and a vision and perspective bred of a lifelong study of the subject. But the result is marred by a faulty terminology, and by a tantalizing diffuseness which has grievously swollen the bulk of the work. The lack of a table of cases is incomprehensible, especially in a book in which the convenience of the practitioner has been so much considered. Whether or not Mr. Chamberlayne would have permitted such an omission had he lived to see the publication of the fourth volume, he is the victim, not the author, of the graver offense of interpolating in the text, with no indication that it did not come from his hand, matter which cannot have been written in his lifetime. The seriousness of this is not lessened by fact that the book contains no reference whatever to his death.

SELECTED CASES ON THE LAW OF CONTRACTS. By Ernest W. Huffcut and Edwin H. Woodruff. Third Edition. Albany: Banks & Company. 1913. pp. xx, 774.

The third edition of this well-known collection of cases differs materially from the preceding editions. The work was originally intended to be used in

connection with a textbook, but is now designed primarily to be used alone as the basis of instruction. Two chapters which appeared in former editions, — "Capacity of Parties," and "Impairing the Obligation of Contracts," are omitted because they relate to topics ordinarily treated in law schools in courses on Persons, and Constitutional Law. All the changes in the present edition seem improvements over the second edition, and the omissions and compressions make the book more than a hundred pages shorter than the previous edition, although the matter contained in it is greater. We are still of the opinion that the original plan of the book was seriously defective in excluding English cases, and we have regretted the popularity of Sir William Anson's arrangement of topics in the Law of Contracts, which is that adopted, since the inclusion of the personal defenses of mistake, misrepresentation, fraud and duress, under the heading of "Reality of Consent," in connection with the formation of contracts, is likely to lead to misapprehension of the nature of these defenses. Nor do we think the best grasp of illegal contracts can be obtained by considering the topic under the headings of "Legality of Consideration" and "Legality of Object," and regarding both these as necessary elements for the formation of a contract. A contract may exist and be enforceable by one party which is both illegal in its object and its consideration. These matters, however, are not appropriate for criticism of the present edition, but rather of the original treatise. S. W.

CONSULAR TREATY RIGHTS AND COMMENTS ON THE "MOST FAVORED NATION" CLAUSE. By Ernest Ludwig. Akron: The New Werner Company. 1913. pp. 239.

This book deals with questions which arise when an alien dies in the United States, and a consul claims the right to have a voice in administering upon the estate. The questions depend upon the construction of many treaties; for the treaties are far from uniform and many of them give privileges described as those "of the most favored nation," thus causing the investigator to search among all treaties in existence. As to the administration of estates, treaties giving consuls wide powers are those with Argentine, Paraguay, and Sweden; but the provisions of these treaties and of others are somewhat vague and conflicting, and hence require careful examination. This book gives the text of the pertinent passages of the treaties, then gives abstracts of the decisions of State courts, — including apparently some probate cases not reported elsewhere, — then discusses *Rocca v. Thompson*, 223 U. S. 317 (1912), then gives a form for a consul's application for the issuing of letters of administration, then comments on the "most favored nation" clause, and then concludes with a discussion of the nature and extent of the treaty making power. The book has neither a table of contents nor a table of cases, and thus it is not very easy to handle. Besides, it carries with it the burden of being apparently the outgrowth of something like a brief in favor of rights claimed in behalf of Austria-Hungary under the "most favored nation" clause. Yet it is a careful piece of work, and it breaks usefully the ground of an important field too slightly cultivated heretofore.

THE ANCIENT ROMAN EMPIRE AND THE BRITISH EMPIRE IN INDIA. THE DIFFUSION OF ROMAN AND ENGLISH LAW THROUGHOUT THE WORLD. By James Bryce. New York: Oxford University Press. 1914. pp. 138.

JURISDICTION AND PRACTICE OF THE COURTS OF THE UNITED STATES. By Charles W. Bunn. St. Paul: West Publishing Company. 1914. pp. vi, 129.